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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WAYLON PHILLIPS,

Plaintiff,

v.

J. OLSEN; T. KNAUFT; JOHN DOE,

Defendants.

Case No. 2:24-CV-02001-AR

DEFENDANTS' ANSWER AND  
AFFIRMATIVE DEFENSES

Defendants, by and through the undersigned, in response to plaintiff's complaint, admits, denies, and alleges as follows:

1.

Defendants admit the allegations contained in paragraphs 3, 4, and 6.

2.

Paragraphs 1, 2, and 7 include legal conclusions for which no response is required.

3.

Defendants deny the allegations in paragraphs 8, and 49 through 52, and generally deny that Plaintiff is entitled to the relief sought.

4.

Defendants are without sufficient knowledge as to the truth of the allegations contained in paragraphs 9 through 48, and therefore deny the same.

5.

This answer should be read as a full and general denial of all of Plaintiff's allegations and claims, except for those expressly admitted above. Defendants deny plaintiff is entitled to the relief sought.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

##### **(Qualified Immunity)**

6.

Defendants allege that at all times relevant to Plaintiff's Complaint they were acting in good faith and within their discretion pursuant to the laws and statutes of the State of Oregon and the United States, and that their conduct violated no clearly established statutory or constitutional right of which a reasonable official would have knowledge.

#### **SECOND AFFIRMATIVE DEFENSE**

##### **(Prison Litigation Reform Act)**

7.

Defendants assert all provisions of the Prison Litigation Reform Act ("PLRA") to any of Plaintiff's claims brought under 42 U.S.C. § 1983, including but not limited to, failure to exhaust administrative remedies.

**THIRD AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

8.

Defendants allege that Plaintiff has not been deprived of any right, privilege, or immunity secured by the Constitution, the laws of the United States or the State of Oregon and therefore fails to state a claim under 42 U.S.C. §1983.

**FOURTH AFFIRMATIVE DEFENSE**

**(Eleventh Amendment Immunity)**

9.

The Eleventh Amendment bars all or some of Plaintiff's claims.

**FIFTH AFFIRMATIVE DEFENSE**

**(Vague or Ambiguous Pleading under FRCP 12(e))**

10.

Plaintiff's Complaint is vague and ambiguous under FRCP 12(e).

**SIXTH AFFIRMATIVE DEFENSE**

**(Statute of Limitations)**

11.

Some of all of Plaintiff's claims are barred by the statute of limitations.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Oregon Tort Claims Act)**

12.

Some of all of Plaintiff's claims are barred by provisions of the Oregon Tort Claims Act.

**RESERVATION OF ADDITIONAL DEFENSES**

13.

Defendants reserve the right to assert additional defenses as may become known to them

through investigation and discovery.

WHEREFORE, having fully answered plaintiff's complaint, defendants pray for a judgment in favor of defendants against plaintiff, dismissing plaintiff's complaint in its entirety and awarding defendants their costs and disbursements incurred herein, and for such other and further relief as the Court may deem appropriate.

DATED April 21, 2025.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

s/ Aaron D. Kelley  
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Of Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that on April 22, 2025, I served the foregoing DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES upon the parties hereto by the method indicated below, and addressed to the following:

Waylon Phillips  
SID #12582404  
Oregon State Penitentiary  
2605 State Street  
Salem, OR 97310

☐ HAND DELIVERY  
☒ MAIL DELIVERY  
☐ OVERNIGHT MAIL  
☐ TELECOPY (FAX)  
☐ E-MAIL

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